IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION NO : 7932 of 2004

Between:

Koppula Laxmi Narayana, S/o late K. Danaiah
R/o Hyderabad.

..... PETITIONER

AND

1. Joint Collector-cum-Inams Tribunal,
   Ranga Reddy District, Hyderabad.
2 Revenue Divisional Officer,
   Chevalla Division, Ranga Reddy District at Athapur,
   Ranga Reddy District
3 Mandal Revenue Officer,
   Malakajgiri Mandal, Malkajgiri, Hyderabad
4 Sri Dargah Hazarath Mir Mahemood Saheb Quibla,

Malkajgiri Village and Mandal, Ranga Reddy District,

Through its Chief Executive Officer, A.P. State Wakf Board,
Nampally, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue any appropriate Writ, Order or direction preferably a writ in the nature of Writ of Mandamus, declaring the order dt.29-10-2003 made in Proc.No.L/758/2001 on the file of the 2nd Respondent and the order dt.16-3-2004 made in Case

No.F1/9728/2003 on the file of the 1st Respondent as being illegal, void and unjust after calling for all the necessary records culminating in the same and further declare the petitioner as the person entitled to the grant of Occupancy Rights Certificate in respect of the 19 acres of land situate in Sy.No.472 of Malkajgiri Village and Mandal, Ranga Reddy District, under the A.P. (Telangana Area) Abolition of Inams Act, 1955.

Counsel for the Petitioner:MR.V.PARABRAHMA SASTRI

Counsel for the Respondent Nos.1 to 3 : Assistant G.P. FOR REVENUE (General)

Counsel for the Respondent No.4.MR.A.M.QURESHI

The Court made the following :

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.7932 OF 2004

ORDER:

Aggrieved by the orders passed by second respondent dt.29.10.2003, in exercise of powers under Section 10 of the Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1955 (for short, the Act), petitioner herein preferred an appeal under Section 24(1) of the said Act. First respondent dismissed the appeal by one line order stating that the appeal is dismissed at the admission stage as discussed therein. There is no discussion in the impugned order dt.16.3.2004. The order of the Joint Collector is assailed in the Writ Petition *inter alia* on the ground that the order is bad for non-disclosure of reasons. The impugned order reads as under:

IN THE COURT OF THE JOINT COLLECTOR: RANGA REDDY DISTRICT

PRESENT: SRI RAVICHANDRA, I.A.S.

CASE NO.FI/9728/2003 DATED: 16.03.2004

Between:

Koppula Laxmi Narayana, S/o.Late K.Danaiah … Appellant

AND

1. State of A.P., Rep., by Revenue Divisional Officer,

Chevella Division, Ranga Reddy District.

2. Sri Dargah Hazarath Mir Mahamood Saheb Quibla,

Malkajgiri Village & Mandal, Ranga Reddy District. …Respondents.

…

This is an appeal filed U/s. 24(1) of A.P.(T.A.) Abolition of Inams Act 1955 aggrieved by the orders passed by the Revenue Divisional Officer, Chevella Division, in file No.L/758/2001 dated 29.10.2003 in respect of the land bearing Sy.No.472 admeasuring Ac.19.00 gts. Situated at Malkajgiri Village & Mandal, Ranga Reddy Disrict.

The appellant has filed petition U/s.151 of CPC along with an affidavit and prayed to suspend the order under appeal dated 29.10.2003 in file No.L/758/2001.

The applicant has not filed any documentary evidence in supporting his claim to admit the appeal. The Revenue Divisional Officer, Chevella has issued Occupancy Rights Certificate in favour of religious institution under the provisions of Act No.19/94. As such at admission stage the court doth the following.

O R D E R:

The appeal is dismissed at admission stage as discussed above.

Sd/-

Joint Collector

Ranga Reddy District

It is now well settled that non-disclosure of reasons by a statutory authority violates the principles of natural justice (See **S.N.Mukherjee v. Union of India**). First respondent while exercising quasi judicial powers under Section 24(1) of the Act is under legal obligation to discuss the pleadings of the case, consider the contentions raised before him and pass appropriate orders after duly understanding the facts and correctly applying principles of law. All these are conspicuous by their absence in the impugned order and therefore, the impugned order is unsustainable. Learned Assistant Government Pleader for Revenue (General), as well as the learned Standing Counsel for Andhra Pradesh Wakf Board, who appears for fourth respondent, do not seriously dispute the legal position.

Therefore, the Writ Petition is allowed. The matter is remitted to first respondent with a direction to pass appropriate reasoned order after hearing the petitioner and the fourth respondent. There shall be no order as to costs.

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(V.V.S.RAO, J)

11.10.2004

bnr

The Rule Nisi has been made absolute as above.

Witness the Hon’ble Sri Devinder Gupta, the Chief Justice on this

Monday, the Eleventh Day of October, Two Thousand and Four

ASSISTANT REGISTRAR

To

1. The Joint Collector-cum-Inams Tribunal,
   Ranga Reddy District, Hyderabad.
2 The Revenue Divisional Officer,
   Chevalla Division, Ranga Reddy District at Athapur,
   Ranga Reddy District
3 The Mandal Revenue Officer,
   Malakajgiri Mandal, Malkajgiri, Hyderabad

4 Sri Dargah Hazrath Mir Mahamood Saheb Quibla, Malkajgiri village

and Mandal, Ranga Reddy District, through its Chief Executive Officer,

A.P. State Wakf Board, Nampally, Hyderabad

5 2CCs to G.P. for Revenue (General), High Court Bldgs., Hyderabad

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